

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8880 OF 2007

Sampatrao M. Deshmukh & Ors.... ... Petitioners.

Versus

Suryakant V.Suryawanshi & Ors..... Respondents.

Mr. G.M.Savagave for the Petitioners.
Mr. M. A. Patil for Respondent No.1.
Mr.R.M.Patne, APP for the State.

CORAM : S.C.DHARMADHIKARI, J.

DATED : 19TH DECEMBER, 2007.

P.C.:

This writ petition is directed against the order passed by the learned Additional Ad-hoc District Judge, Sangli, on 11th October, 2007 dismissing the Misc. Civil Appeal No. 73 of 2007 preferred by the petitioners and confirming the order passed on 24th May, 2007 by the trial Court in Regular Civil Suit No. 161 of 2007 which has been instituted by respondent No.1. The order of injunction granted in favour of the first respondent restrains the petitioners from reverting the first respondent from the post of Head Master to Assistant Teacher and also give effect to other decision regarding stoppage of increments.

2. After this matter was argued for some time and the attention of Shri Patil, learned Counsel appearing for respondent No.1 was invited to Government Resolution dated 18th June, 2005 providing for the Grievance Redressal Machinery in respect of the teaching and non-teaching staff working with the Ashramshala, after instructions, Shri Patil makes a statement that the first respondent will approach the Divisional Social Welfare Officer, Pune, by filing an appeal. In the appeal the decision of the petitioners reverting him and stopping the increment would be impugned. However, Shri Patil prays that the petitioners have not yet reverted the first respondent and he continues to work as Head Master so also the increments have not been stopped. Therefore, to enable the first respondent to approach the Divisional Social Welfare Officer in appeal, the trial Court's order be continued for some time.

3. Mr.Savagave, learned Counsel appearing for the petitioners leaves the matter to the Court.

4. In the light of the statement of Shri Patil, the following order is passed.

5. Regular Civil Suit No. 161 of 2007 pending on the file of the Joint Civil Judge, Junior Division, Sangli

is allowed to be withdrawn and dismissed as such.

6. The first respondent to file an appeal with the Divisional Social Welfare Officer, Pune within a period of 15 (fifteen) days from today. The Divisional Social Welfare Officer to entertain the appeal, if filed within the above period and decide it in accordance with law after hearing the petitioners so also the first respondent. The Divisional Social Welfare Officer to decide the same within a period of three weeks from the date the appeal is filed before him.

7. All contentions of both sides are kept open.

8. The order of the trial Court to continue for a period of 15 (fifteen) days to enable the first respondent to file an appeal and if the appeal is filed within this period, then, until the Divisional Social Welfare Officer renders his decision.

9. Writ petition is, accordingly, disposed of. There shall be no order as to costs.

Sd/-

(S.C.DHARMADHIKARI, J.)